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10/087,906	03/05/2002	Wolfgang Eberle	566/39038	6665

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EXAMINER
KRAMER, DEVON C

ART UNIT	PAPER NUMBER
3683	

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No. 10/087,906	Applicant(s) EBERLE ET AL.
	Examiner Devon C Kramer	Art Unit 3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *1* .
4) ☐ Interview Summary (PTO-413) Paper No(s) _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER

DETAILED ACTION

Claim Objections

1) Claims 8, 14 and 16 are objected to because of the following informalities:

These claims state, "wherein for an unbraked,". This statement appears to be missing a character. Appropriate correction is required.

2) Claim 14 line 4 recites, "consider sensors which supply signals do not pass the plausibility check." This sentence appears to be missing some wording.

Claim Rejections - 35 USC § 112

3) Claims 7-8, 10 and 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 16 state, "wherein for an unbraked". It is unclear what applicant is trying to claim when referring to an "unbraked". Is it an unbraked state, unbraked wheel, unbraked condition?

Claims 7, 8 and 15-16 state that the a wheel speed sensor is initially selected, and then the initially selected sensor having the another speed is finally selected. This is a contradiction because two sensors cannot be initially selected.

Claim 10 recites the limitation "at least two assigned wheel sensors" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5) Claims 1-2, 9-10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Murayoma (JP 9193777).

In reference to claim 1, Murayoma provides a vehicle brake system comprising: at least two wheel speed sensors for each wheel or wheel group whose speed is to be measured; an electronic unit (10) for analyzing signals from the wheel sensors to instantaneously select the signals from one of the wheel sensors and determining a reference speed approximating the actual vehicle speed using the selected signals; and the electronic unit selecting the one wheel sensor as a function of the actual driving condition and at least one defined speed criterion.

In reference to claim 2, Murayoma provides brake system wherein there are only two wheel sensors provided for each wheel or wheel group whose speed is to be measured.

In reference to claim 9, Murayoma provides a brake system wherein the electronic unit is an ABS/ASR control unit.

In reference to claim 10, Murayoma provides a brake system wherein for an ABS control intervention of the brake pressure control of a wheel or of a wheel group, a higher speed of the speeds supplied by the at least two assigned wheel sensors is used as a basis when a protection against an erroneous reduction of the brake force has the highest priority.

In reference to claim 13, Murayoma provides a brake system wherein for an ASR control intervention of the brake pressure control of a wheel or of a wheel group, a higher speed of the speeds supplied by the at least two assigned wheel sensors is used as a basis when a protection against a spinning of a wheel or of the wheel group has the highest priority.

6) Claims 1, 3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshino (5015042).

In reference to claim 1, Yoshino provides a vehicle brake system comprising: at least two wheel speed sensors for each wheel or wheel group whose speed is to be measured; an electronic unit (3) for analyzing signals from the wheel sensors to instantaneously select the signals from one of the wheel sensors and determining a

reference speed approximating the actual vehicle speed using the selected signals; and the electronic unit selecting the one wheel sensor as a function of the actual driving condition and at least one defined speed criterion.

In reference to claim 3, Yoshino provides a system wherein for a braked vehicle, the wheel sensor which indicates the second-highest wheel speed is selected. (col 1 lines 50-55)

In reference to claim 9, Yoshino provides a brake system wherein the electronic unit is an ABS/ASR control unit.

7) Claims 1, 4, 5-9, 11-13, 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohtsu (6246946).

In reference to claim 1, Ohtsu provides a vehicle brake system comprising: at least two wheel speed sensors for each wheel or wheel group whose speed is to be measured; an electronic unit (10) for analyzing signals from the wheel sensors to instantaneously select the signals from one of the wheel sensors and determining a reference speed approximating the actual vehicle speed using the selected signals; and the electronic unit selecting the one wheel sensor as a function of the actual driving condition and at least one defined speed criterion.

In reference to claim 4, Ohtsu provides a brake system wherein for an unbraked vehicle, the wheel sensor which indicates the second-lowest wheel speed is selected. (col 8 lines 18-65)

In reference to claim 5, Ohtsu provides a brake system wherein one sensor for each wheel or group of wheels is initially selected using a first speed criterion (deceleration); and one of the initially selected sensors is finally selected, using a second speed criterion (i.e. highest sensor speed) sensor, and used to determine the reference speed.

In reference to claim 6, Ohtsu provides a brake system characterized in that the first and the second speed criterion are in each case an extreme-value criterion.

In reference to claims 7 and 15, Ohtsu provides a brake system wherein for a braked vehicle, the wheel sensor with the minimal wheel speed is initially selected from the respectively at least two wheel sensors; and the initially selected sensor having the maximal speed is finally selected. Ohtsu is capable of selecting either sensor based on certain criteria.

In reference to claims 8 and 16, Ohtsu provides a brake system wherein for an unbraked, the wheel sensor with the maximal wheel speed is initially selected from

the respectively at least two wheel sensors; and the initially selected sensor having the minimal speed is finally selected. Ohtsu is capable of selecting either sensor based on certain criteria.

In reference to claim 9, Ohtsu provides a brake system wherein the electronic unit is an ABS/ASR control unit.

In reference to claim 11, Ohtsu provides a brake system wherein for an ABS control intervention of the brake pressure control of a wheel or of a wheel group, a lower speed of the speeds supplied by the at least two assigned wheel sensors is used as a basis when a protection against a locking of the wheel or of the wheel group has the highest priority.

In reference to claim 12, Ohtsu provides a brake system wherein for an ASR control intervention of the brake pressure control of a wheel or of a wheel group, a lower speed of the speeds supplied by the at least two assigned wheel sensors is used as a basis when a protection against an erroneous reduction of the traction force at the wheel or the wheel group has the highest priority.

In reference to claim 13, Ohtsu provides a brake system wherein for an ASR control intervention of the brake pressure control of a wheel or of a wheel group, a

higher speed of the speeds supplied by the at least two assigned wheel sensors is used as a basis when a protection against a spinning of a wheel or of the wheel group has the highest priority.

8) Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Mueller (6112146).

In reference to claim 1, Mueller provides a vehicle brake system comprising: at least two wheel speed sensors for each wheel or wheel group whose speed is to be measured; an electronic unit (10) for analyzing signals from the wheel sensors to instantaneously select the signals from one of the wheel sensors and determining a reference speed approximating the actual vehicle speed using the selected signals; and the electronic unit selecting the one wheel sensor as a function of the actual driving condition and at least one defined speed criterion.

In reference to claim 14, provides a brake system including a plausibility checking device which subjects the signals supplied by the wheel speed sensors to a

plausibility check; and wherein the electronic unit does not consider sensors which supply signals do not pass the plausibility check. (col 7 lines 60-70)

Conclusion

9) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzuki et al, Okubo (JP 06144187), Totsuka, Okubo (JP 104197263), Miyake et al, Yano et al, Washizu et al, Sawase, Naio et al, Ogino, Ohtsu et al, and Sano all provide brake systems with multiple speed sensors wherein a computer utilizes one sensor value for a control operation.

10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3519 for regular communications and 703-308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER

DK
April 7, 2003